

CHAITMAN LLP

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Hearing Date: September 28, 2016

Hearing Time: 10:00 a.m.

Objection Date: September 21, 2016

Attorneys for Defendants

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

TRUST U/ART FOURTH O/W/O ISRAEL
WILENITZ,

EVELYN BEREZIN WILENITZ, individually, and
as Trustee and Beneficiary of the Trust U/ART
Fourth O/W/O Israel Wilenitz, and

SARA SEIMS, as Trustee of the Trust U/ART
Fourth O/W/O Israel Wilenitz,

Defendants.

Adv. Pro. No. 10-04995 (SMB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Declaration of Helen Davis Chaitman with attached exhibits, and on such other and further arguments as may be presented prior to and at the hearing on the motion, Trust U/Art Fourth O/W/O Israel Wilenitz, Evelyn Berezin Wilenitz, individually, and as Trustee and Beneficiary of the Trust U/ART Fourth O/W/O Israel Wilenitz, and Sara Seims, as Trustee of the Trust U/ART Fourth O/W/O Israel Wilenitz (“Defendants”) by their undersigned counsel, will move (a) to compel discovery pursuant to Fed. R. Civ. P. 37, (b) for an order finding plenary waiver of privilege and work product, and (c) for an order barring the trustee from using at trial any evidence not produced during fact discovery before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, on September 28, 2016 at 10:00 a.m.

Dated: New York, New York
August 29, 2016

CHAITMAN LLP

By: /s/ Helen Davis Chaitman
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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2016, I caused a true and correct copy of the foregoing document to be served upon the parties in this action who receive electronic service through CM/ECF and by electronic mail upon:

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

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